

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN A. VALENTINE,

Defendant.

8:18-CR-102

ORDER OF DISMISSAL

This matter is before the Court on Jonathan Valentine’s Motion to Vacate, Set Aside, or Correct a Sentence under [28 U.S.C. § 2255](#). [Filing 136](#). Valentine previously filed a Motion to Vacate under [28 U.S.C. § 2255](#) on June 13, 2019. [Filing 47](#). On May 12, 2021, on Valentine’s own motion, the Court dismissed the previous § 2255 motion with prejudice. [Filing 128](#); [Filing 129](#). This Court is without jurisdiction to hear Valentine’s successive § 2255 motion absent “appropriate certification from the circuit court.” *Boykin v. United States*, 242 F.3d 373, (8th Cir. 2000) (unpublished table decision) (citing [28 U.S.C. §§ 2255](#), 2244(b)) (“The rule is absolute. Prisoners may not evade the statutory requirement by simply filing a second or successive § 2255 motion in the district court.”); *Baranski v. United States*, 880 F.3d 951, 955 (8th Cir. 2018) (same). There is no indication on the docket or in Valentine’s filings that a panel of the Eighth Circuit has authorized his successive motion. Therefore, it must be dismissed for lack of jurisdiction. *See Boykin*, 242 F.3d 373. Accordingly,

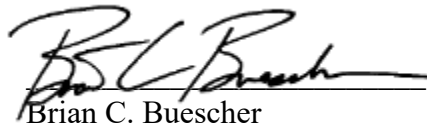
IT IS ORDERED:

1. The pending Motion to Vacate, Set Aside, or Correct a Sentence under [28 U.S.C. § 2255](#), [Filing 136](#), is dismissed;

2. The Clerk of the Court is directed to terminate the matter and all motions pending at Case No. 8:22-CV-57 for statistical purposes and to mail a copy of this order to the petitioner at his last known address.

Dated this 23rd day of February, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge